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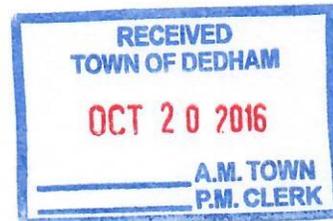
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TOWN OF DEDHAM ZONING BOARD OF APPEALS MINUTES

Wednesday, September 21, 2016, 7:00 p.m., Lower Conference Room

2016 OCT 20 AM 8:55

Present: James F. McGrail, Esq., Chairman
J. Gregory Jacobsen, Vice Chairman
Scott M. Steeves
Jason L. Mammone, P.E.
Jared F. Nokes, J.D.
Susan Webster, Administrative Assistant



Mr. McGrail called the meeting to order at 7:01 p.m. The plans, documents, studies, etc. referred to are incorporated as part of the public record and are on file in the Planning and Zoning office. In addition, the legal notice for each hearing was read into the record. Mr. Maguire was unable to attend this meeting. Mr. McGrail appointed Associate Member Jared F. Nokes, J.D. to sit in his stead.

Applicant: NTB
Property Address: 900 Providence Highway, Dedham, MA
Case #: VAR-08-16-2118
Property Owner: Ronald J. Priore, Sr., R & R Realty Associates, 32 Tamarack Road, Westwood, MA 02090
Zoning District and Map/Lot: Highway Business, Map 149, Lot 13
Application Date: August 12, 2016
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jared F. Nokes, J.D.
Representative:

- Robert Nitishin, AIA, 2265 Roswell Road, Suite 100, Marietta, GA 30062
- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA

Legal Notice: To be allowed a waiver from the Town of Dedham Sign Code to erect three new wall signs on new parapet walls above the existing roof line.
Section of Sign Code: *Town of Dedham Sign Code Section 237/19E Computation of Sign Area and Height*

Time: 7:01-7:04 p.m. The applicant went to the Design Review Advisory Board, and was approved to re-do both the inside and outside of the building. A tower is being built with higher parapet walls on the front and sides. DRAB recommended a three-sided tower, put-

ting the signs on the tower and getting rid of the pylon sign. A waiver is needed to be able to put these signs above the existing roofline. The tower will be the only addition. These will be the only signs, and they will conform to the amount of square footage. The exterior will be renovated with paint and stones. Mr. Zahka, who represents the landlord, said Mr. Priore is in agreement with removal of the pylon sign, as is his brother, who is an abutter. No one spoke in favor or in opposition to the petition. Mr. Jacobsen moved to approve the waiver from the Sign Code for three new wall signs on new parapet walls above the existing roofline with the condition that the pylon sign be removed. Mr. Steeves seconded the motion, and the vote was unanimous, 5-0. Mr. Nitishin said that once the construction documents are finished, they will apply for a building permit get started right away.

Applicant: TILL, Inc.
Property Address: 83 Washington Street, Dedham, MA
Case #: VAR-07-16-2112
Property Owner: Till, Inc., 20 Eastbrook Road, Suite 201, Dedham, MA
Map/Lot, Zoning District: 77/20, Single Residence B
Application Date: July 15, 2016
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jared F. Nokes, J.D.
Legal Notice: To be allowed to construct a building with a front yard setback of 20 feet instead of the allowed 25 feet.
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements*

Time 7:04–7:05 p.m. This hearing was to have been continued from August 17, 2016. Mr. McGrail announced that the applicant has written an e-mail requesting withdrawal without prejudice. Mr. Steeves moved to approve the withdrawal without prejudice, seconded by Mr. Jacobsen, and voted unanimously 5-0.

Applicant: Dunkin Donuts
Property Address: 36 Sawmill Lane, Dedham, MA
Case #: VAR-07-16-2111
Property Owner: Roma Realty Trust, Renato Reda, Trustee, 15 Felix Street, Dedham, MA
Zoning District and Map/Lot: General Business, Map 113, Lot 71
Application Date: July 19, 2016
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jared F. Nokes, J.D.
Representative:

- Chris DaCosta, Legacy Donuts
- Sean Donovan, Viewpoint Sign and Awning, 35 Lyman Street, Northborough, MA 01532

Legal Notice: To be allowed a waiver from the Town of Dedham Sign Code
Section of Sign Code: *Town of Dedham Sign Code Section 237/18E. Internal Illumination, Table 2 Sign Dimensions and Location*

Time 7:10-7:14 p.m. Mr. Donovan passed out renderings. He proposes two new wayfaring signs: one at the drive-thru on Sawmill Lane and one at the entrance/exit on Milton Street.

DRAB has reviewed these and approved them. They are now seeking a waiver from the Town of Dedham Sign Code. These are standard directionals for Dunkin Donuts. When they went to submit them, the Building Department discovered that it had never gone to the Zoning Board of Appeals, as the signs were not part of the original plan.

In the meantime, there have been some traffic concerns, so they installed two "Do Not Enter" signs at the exit, as there have been cars attempting to enter the exit. There is another sign that has come up. Instead of the Dunkin Donuts directional, a traffic style sign would be installed guide vehicles to either the drive thru or the parking lot. It will indicate that the way to the store is straight, and the way to the drive thru is on the right. There are also traffic issues with a divided, double lane highway, and this should help people find what they need. They may take the existing sign down and replace it with the new one. It is to be noted that Robert Aldous of the Planning Board was at the last meeting, and spoke in favor of the application, saying that the Planning Board "screwed up."

Mr. Steeves said the Dunkin Donuts is a huge improvement to the corner, and they did a beautiful job on the building. When the applicant first came to the ZBA, there was a discussion about a "Welcome to East Dedham" sign. Mr. DaCosta had agreed to a sign on the corner, but there were trees and an electrical box. It is not in his hands but is in the hands of either Charlie Krueger or Steve Davey. The location has not been determined, but he is perfectly open to having it on his corner. Mr. Maguire said it is a busy corner, and some trees may have to be removed, and it may not get the visibility the residents want.

Mr. Steeves moved to approve a waiver from the Town of Dedham Sign Code for two free-standing wayfaring signs, one at the drive-thru exit on Sawmill Lane and one at the entrance/exit on Milton Street, seconded by Mr. Jacobsen and voted unanimously 5-0.

Applicant:	Hatem and Pascale Moussallem
Property Address:	895 Washington Street, Dedham, MA
Case #:	VAR-08-16-2121
Property Owner:	Hatem and Pascale Moussallem
Zoning District and Map/Lot:	Single Residence B, Map 148, Lot 45
Application Date:	August 23, 2016
Present and Voting:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jared F. Nokes, J.D.
Representative:	<ul style="list-style-type: none">• Peter A. Zahka II, Esq., 12 School Street, Dedham, MA• Hatem and Pascale Moussallem, applicants
Legal Notice:	Appeal of Dedham Building Commissioner's determination that the real estate known and numbered as 895 Washington Street, Dedham, MA, is a two-family dwelling, and for a determination that said dwelling is a single family dwelling
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Section 9.2.2, Section 10, and Table 1</i>

Time: 7:14 to 7:27 p.m. This is a single family split level/raised ranch occupied by a single family. In 2013, the Dedham Building Department issued a Building Permit to eliminate the existing upper level kitchen and to remodel the lower level kitchen. A recent inspection by

the Assistant Building Inspector Frederick Johnson revealed that the upper level kitchen was in fact not eliminated but remodeled, as was the lower level kitchen. Mr. Johnson issued a letter to the Applicants wherein he noted that the upper level kitchen was undertaken without proper permits and made a determination that a second dwelling unit was created resulting in zoning violation (a two-family dwelling or an accessory dwelling unit are not allowed in the SRB Zoning District except upon obtaining certain relief from the ZBA). The letter stated that the Building Department considered the installation of second kitchens in most instances to be the deciding factor in whether or not a second dwelling unit is created. The applicants applied for a building permit to legitimize the second kitchen, but this was denied. As an aside, this comes up quite often in the Building Department, and they are looking to do something to address this in the Spring Town Meeting.

Mr. Zahka said that the Dedham Zoning By-Law does not make a second kitchen the deciding factor. Instead the definition specifically requires "independent" living quarters which are "physically" separated from other dwelling units. While the Applicant may have kitchens, bathrooms, and bedrooms on both levels of their dwelling, the same are not independent living quarters and are not physically separated from any other dwelling unit. The house was constructed as a raised ranch style (which by design has two levels) and is open without doors or similar barriers separating the levels of the house, allowing for the free-flow of traffic throughout the entire structure. Furthermore, there is only a single family living in the dwelling. Therefore, by Dedham's own definition the dwelling is a single-family dwelling. He cited *Boch v. Edgartown*, Duke Superior Court Civil Action No. 2627 (1988), *Lynn v. Olanoff*, 414 Mass. 249 (1943), and *Van Ragsdale v. Provincetown*, 344 Mass. 146 (1962) as similar cases.

No one appeared in opposition to the requested relief. Applicants submitted a petition signed by the direct abutters indicating their support for the requested relief:

Stefano Avitabile	887 Washington Street
Rosena Avitabile	887 Washington Street
Barbara H. Pinkham	899 Washington Street
Russell B. Pinkham	899 Washington Street

Mr. Zahka said that there are two tests to determine whether a dwelling is a single family dwelling. There is a design test and a use test. Under either test, this house is a single family dwelling. From a use perspective, the applicants have always used the house as a single family residence. It was designed as a single family residence, and no changes have been made, i.e., separate entrances. The applicants are willing to accept as a condition that they will not rent out one of the floors in the future. From a design perspective, the house is designed as a single family as stated, and there are no barriers to the free flow of traffic. There is one utility meter and one mailbox. The applicants are also willing to accept as a condition that no barriers, i.e., doors, be place separating the dwelling units. Mr. Zahka said he feels that determination of whether a dwelling is a single or multi-family house should be done on a case-by-case basis.

Kenneth Cimeno, Building Commissioner, said that, if the petition is approved, he would like language addressing the use of the building specifically as a single family dwelling as long as two kitchens continue to exist.

Ms. Moussallem explained that the previous owner had two kitchens. There are 15 stairs between the first and the second kitchens. The living room is upstairs, and when they have 30-40 people over for a party, she finds it difficult to use the kitchen downstairs. The downstairs is too small for this number of people, so she uses the upstairs. In addition, in-laws come to visit, and it is difficult for them to use the stairs. Both she and her husband are agreeable to any condition that prohibits turning the downstairs into a separate dwelling unit.

Mr. Jacobsen moved to approve the appeal of the Dedham Building Commissioner's determination that the real estate known and numbered as 895 Washington Street, Dedham, MA, is a two-family dwelling, and approved the determination that said dwelling is a single family dwelling. It has historically always been used as a single family dwelling, and will continue to be used as a single family dwelling. The approval is conditioned that the owners will never collect any rent, that they will not construct any doors or partitions within the house that would seem to indicate or create a division in any manner, and that this approval relates to this address and this applicant only. This is satisfactory to Mr. Cimeno. Mr. Steeves seconded the motion. The vote was unanimous at 5-0.

Applicant:	Dianne and David Flynn
Property Address:	34 Savin Street, Dedham, MA
Case #:	VAR-08-16-2127
Property Owner:	Charles J. (deceased) and Dianne Flynn
Zoning District and Map/Lot	Single Residence B, Map 155, Lot 113
Application Date:	August 25, 2016
Present and Voting:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jared F. Nokes, J.D.
Representative:	<ul style="list-style-type: none">• Peter A. Zahka II, Esq., 12 School Street, Dedham, MA• Dianne and David Flynn, applicants
Legal Notice:	To be allowed such Special Permits and/or variances as required to create an accessory dwelling unit.
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Accessory Use Table I.6, Section 7.7 Special Residential Regulations, Section 9.3 Special Permits

Time: 7:27 to 7:37 p.m. The Applicant proposes to construct an approximate 1,025 square foot addition to the existing dwelling and to utilize of portion of the dwelling as an "accessory dwelling unit." After construction, the "main" house will contain approximately 2,164 square feet with three bedrooms and the "accessory dwelling unit" will contain approximately 875 square feet with one bedroom. It is anticipated that the Subject Property will then be conveyed to her son, David Flynn, who will reside in the "main" house with his family. Dianne Flynn will reside in the "accessory dwelling unit." Mr. Zahka explained what an accessory dwelling unit is.

Section 7.7 of the Dedham Zoning By-Laws authorizes the ZBA to issue Special Permits for accessory dwelling units if certain conditions are met. The applicant will meet all criteria, including but not limited to:

1. No more than one accessory dwelling unit.
2. An adequate amount of land.
3. The owner will reside in the principal residence.
4. The unit is designed for two persons, and cannot accommodate more than two persons.
5. Exterior renovations will meet all Fire and Building Codes, and will be designed to conform to the architectural integrity of the structure and compatible with the surrounding residential district, and will not have an entrance in the front of the building.
6. Sufficient buffering
7. Compliance with the required size of the accessory dwelling unit.

In addition, this Special Permit would not be transferrable to a subsequent purchaser, and it needs to be renewed every three years; otherwise, the Special Permit will lapse.

No one appeared in opposition to the requested relief. Applicant submitted a petition signed by eight abutters in support of the requested relief. It is noted that the petition is signed by the abutters closest to the proposed addition:

Karen L. Egersheim	40 Savin Street
Doreen Papsadore	41 Savin Street
Irene E. Welch	24 Savin Street
Joseph Welch	24 Savin Street
Alberta Raneri	20 Savin Street
Jeremy Loeckler	29 Savin Street
Catherine MacKinnon	27 Savin Street
Emily Chilton	286 Cedar Street

Mr. Jacobsen moved to allow such Special Permits and/or variances as required to create an accessory dwelling unit at 34 Savin Street, Dedham, MA. The applicants understand the conditions set forth in the ZBL, and agree to abide by them, including that the accessory dwelling unit is not transferrable upon sale of the property by either applicant. They understand that they must return to the ZBA to re-certify the decision. Mr. Steeves seconded the motion. The vote was unanimous at 5-0.

Applicant: Richard A. and Natasha L. Carter
Property Address: 8 Blueberry Hill, Dedham, MA
Case #: VAR-08-16-2128
Property Owner: Richard A. and Natasha L. Carter
Zoning District and Map/Lot: Single Residence B, Map 179, Lot 76
Application Date: August 26, 2015
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jared F. Nokes, J.D.
Representative:

- Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA 02026
- Richard A. Carter, applicant

Legal Notice: To be allowed a Special Permit to have an existing acces-

sory dwelling unit in a Single Residence B zoning district with a waiver of the condition that the lot on which the dwelling is located contains at least 10% greater land area than required, and to be allowed a Special Permit to change a nonconforming dwelling in a Single Residence B zoning district.

Section of Zoning Bylaw:

Town of Dedham Zoning Bylaw Section 7.7, Special Residential Regulations, Section 3.3.3 Nonconforming Structures, Section 9.3.5 Special Permits Conditions

Time 7:38 to 7:42 p.m. Mr. Hampe explained that the in-law apartment, which is inside the house, was constructed after the dwelling was built. It did not have the appropriate permits at that time. The house was previously a split level and was renovated to a colonial style with a second floor in approximately 1985. Between 1978 and 1985, an in-law apartment with a kitchen, bedroom, and bathroom was constructed on the lower level of the then-split level house. When the applicants were about to buy the property, they realized that the in-law apartment downstairs did not have any permits in the Building Department.

The applicant, his wife, their two children, and his mother currently reside in the house. They are seeking a Special Permit to legitimize the in-law apartment. It is already in the structure, and there will be no expansion of the footprint. All required conditions are met with the exception of the lot size being 10% larger than the required 12,500 in Single Residence B. Their lot is 10,000 square foot, and was laid out in the 1960's when zoning was different. There is no way that they can possibly comply with that requirement, hence the waiver request. Mr. and Mrs. Carter will accept any conditions that the Board requires. If the Board feels that it cannot grant that relief, the alternative issue is that, because the house was built and is now a nonconforming dwelling with an in-law apartment, the applicant would be asking for the Board to grant the relief so the in-law apartment can be legitimized.

The applicants would like to enlarge and modernize the kitchen and the bathroom, and wanted to be sure that the electric and plumbing work were done properly. No permits were found when they went to the Building Department. They are trying to do the right thing by coming to the ZBA to petition that it grant permission to have the accessory dwelling unit, which would remain where it is without expansion. Mr. Hampe pointed out that the condition that requires 10% more land area is really for construction of additions onto a structure, not something inside an existing dwelling, and cannot be met by the applicant. Again, the applicants are more than willing to agree with all the conditions required, and agreed to come back every three years for re-certification of the accessory dwelling unit.

No one appeared in opposition to the requested relief. Mr. McGrail suggested that the first waiver request was the appropriate one.

Mr. Steeves moved to grant the Special Permit for an existing accessory dwelling unit in a Single Residence B zoning district with the condition that the accessory dwelling unit cannot be transferred upon sale, and that the applicant must return to the Zoning Board of Appeals in three years to re-certify the accessory dwelling unit. Mr. Jacobsen seconded the motion. The vote was unanimous at 5-0.

Applicant: Federal Realty Investment Trust
Property Address: 725 Providence Highway, Dedham, MA
Case #: VAR-08-16-2124
Property Owner: Federal Realty Investment Trust. 450 Artisan Way, Suite 320, Somerville, MA 02145
Zoning District and Map/Lot: Highway Business, Map 122, Lot 1
Application Date: August 25, 2016
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jared F. Nokes, J.D.
Legal Notice: To be allowed such Special Permits and variances as required for construction of a 4,000 square foot restaurant building with a drive-thru lane, and appurtenances such as a reconfigured parking area, stormwater facilities, and utilities.
Section of Zoning Bylaw: Town of Dedham Zoning Bylaw Section 3.1.3, Table 1, Use Regulation Table E.8 and E.14, Section 3.3.4 Variance Required, Section 9.2.2 Powers, and Section 8.2.7 Aquifer Protection Overlay District, Uses Permissible by Special Permit

Time: 7:42 to 7:44 p.m. Mr. McGrail announced that he would not be sitting on this hearing due to a conflict. He said this hearing should have five members voting on the petition, and the hearing should be held sooner than later so as to not impact Federal Realty any more than it has. Ms. Webster said she has spoken with most of the Board members, and a good date is Wednesday, October 5, 2016. She said that Ms. Porter may have a conflict, so she is awaiting her decision. She is also waiting to hear from David Webster, Esq., of Federal Realty to confirm this date. Mr. Steeves moved to continue the hearing to October 5, 2016, at 7 p.m., seconded by Mr. Jacobsen, and voted unanimously 4-0, with Mr. McGrail not voting due to his recusal.

Applicant: Daniel Brennan for Dedham 865-875 Realty Ventures Nominee Trusts
Property Address: 875 Providence Highway, Dedham, MA
Case #: VAR-08-16-2129
Property Owner: Dedham 865 Realty Ventures Nominee Trust and 875 Realty Ventures Nominee Trust, c/o Charles River Realty Group, P.O. Box 262, Norwood, MA 02062
Zoning District and Map/Lot: Research, Development, and Office, Map 149, Lot 34
Application Date: August 26, 2016
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jared F. Nokes, J.D.
Representative: Daniel Brennan, 50 Holt Road, Andover, MA 01810
Legal Notice: To be allowed a waiver from the Town of Dedham Sign Code for four free-standing signs for one pre-menu board, one menu board, one digital order screen, and lettering on a canopy
Section of Sign Code: Town of Dedham Sign Code, Table 2 Sign Dimensions and Location

Time 7:45 to 8:11 p.m. This is a new building with a drive-thru. They need approval for four free-standing signs as noted in their petition. The landlord has a pylon sign out front with all the tenants' names on it. They have gone to the Design Review Advisory Board and received their recommendation. Mr. Brennan passed out renderings of the signs and pointed out each location. All the signs will be in the drive-thru line. There is no issue with square footage of the signs, as they have coordinated with the other tenants and the landlord. Mr. Mammone asked how one would leave the Starbucks site. Mr. Brennan showed the exit but was not sure about this. Mr. Zahka, who permitted the site, showed the main entrance in front between the two buildings. There is a drive-thru lane with an escape lane going around Starbucks and onto Providence Highway to turn right. It is, for the most part, fully closed off except for some access that they provided with coordination from the DPW and Engineering Departments. Cars visiting the site go in and out on Providence Highway only. There is no access onto Wilson Avenue from the site. *Multiple people were talking at once and comments could not be understood.*

Frank Beers, 54 Wilson Avenue, was concerned about the audio from the drive-thru. He asked what the hours of operation were, how loud the audio would be, and whether it would infringe on the neighborhood. Mr. Brennan said the hours are 5 a.m. to 11 p.m., although it will probably be 10 p.m. He is unsure about the decibel levels. The signage will be no higher than 5', and the digital order screen will be 4'. The speakers are probably lower than that. Mr. McGrail said an 8' fence was a condition and should address Mr. Beers' concerns. Mr. Beers understood that the parking lights would be off at 10 p.m. Mr. McGrail is not sure when the lights will go off; this is a Planning Board issue. Mr. Nokes asked if the ZBA has jurisdiction on sound, and they do. An acoustical consultant can measure decibel levels. The applicant plans to open in early December, and was given the option of continuing the hearing. Mr. McGrail said he wants to be able to answer Mr. Beers' questions about decibel levels. Mr. Brennan has some data on this, and was asked to bring it in. Mr. Beers said he did not care if they have the speakers, but just wants to be sure the noise is acceptable. Mr. Zahka suggested a condition in the decision that Starbucks will maintain voice activation to minimize the impact on the neighborhood.

Alfonso DeBenedictis, 50 Orchard Street, asked about preventing vehicles from going down his street and through the Pauline Books and Media. The traffic backs up tremendously at rush hour. He said the owner said he would look into a way to stop traffic from doing that. Mr. McGrail said the Board encouraged the owner to do that, but there is no guarantee that the Pauline Sisters would agree. Mr. Zahka said they have a curb opening on the Sisters' site onto Providence Highway and a side street. People go through the residential neighborhood onto the Sisters' site, cut through their parking lot, and go onto Providence Highway in an effort to avoid Washington and Elm Streets. He will discuss this with the owner. Mr. McGrail questioned how to address the Pauline Sisters about this. The owner was going to speak to them to see if he could convince them to close that access. Mr. DeBenedictis said that they are agreeable as long as the Town allows them to park on Wilson Avenue. Mr. Cimeno said they have not received complaints about the cut through traffic per se because it is not a Building Department issue. The old site plan allowed access to Wilson Avenue, and has not, to his knowledge, been modified. He understood the concerns, but did not know how it could be corrected legally unless the Pauline Sisters or the town restricted that curb cut access on Orchard Street. Mr. Beers said there had been cement curb stones and one way ac-

cess; these have disappeared and the lot is not a cut through. Anita Andreassi, 37 Orchard Street, said that access is blocked by a fence, and this has cut down on the cut through traffic. She was fine with the signage.

Mr. McGrail brought the subject back to signage, which is what the Board will vote on. The other issues include the fence, which was conditioned in the original ZBA decision, and which is the obligation of the owner. The current fence is a construction fence, but this must be replaced with an 8' fence. As far as the Pauline property is concerned, it sounded like there has been discussion, but the Sisters would have to go to the Planning Board for site plan review in exchange for those spaces on Wilson Avenue. Mr. Zahka will update the neighbors. The ZBA's concern is the drive thru speakers.

Mr. Steeves moved to allow a waiver from the Town of Dedham Sign Code for four free-standing signs for one pre-menu board, one menu board, one digital order screen, and lettering on a canopy. A condition of the approval is that Starbucks must maintain any voice activation at decibel levels that minimize any impact on the surrounding neighborhood. Mr. Jacobsen seconded the motion, and the vote was unanimous, 5-0.

Applicant:	218 High Street, LLC/Stephen Clifford
Property Address:	218 High Street, Dedham, MA
Case #:	VAR-08-16-2125
Property Owner:	218 High Street, LLC, Stephen Clifford, 260 Milton Street, Dedham, MA
Zoning District and Map/Lot	General Residence,
Application Date:	August 26, 2016
Present and Voting:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jared F. Nokes, J.D.
Representative:	Stephen Clifford
Legal Notice:	To be allowed to construct a two-unit structure on Lots 4 and 5 at 218 High Street meeting all dimensional requirements except total area of 10,321 square feet instead of 11,000 square feet, to be allowed a front yard setback of 15 feet instead of the required 20 feet, and a waiver of the combining requirement so that Lot 3 retains its status as a special lot size exception for purposes of constructing a new single family dwelling.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Section 4.1 Table of Dimensional Requirements, and Section 4.5.1 Special Lot Size Exceptions for Dwellings</i>

Time: 8:11 to 8:18 p.m. Mr. Clifford came before the Board to reaffirm a ZBA decision made on April 16, 2014. He believed he had exercised his rights under that decision, but Building Commissioner Ken Cimeno said he had not and advised him to return to the ZBA. Subsequent to this hearing, work on the lot revealed substantially more ledge than anticipated, so he is now also asking to be allowed a front yard setback of 15 feet instead of the required 20 feet. Mr. McGrail asked if this was a new application, and this was confirmed. He noted that he had received calls from neighbors asking him to continue this hearing to October 19,

2016, because they could not be present. Mr. Clifford opposed this, saying he wants to set started and has spent a lot of money to this point.

Mr. Cimeno said that Mr. Clifford has owned the property since February 2014. There was a single family dwelling with a garage on the property, and this had been vacant for about a year. A permit for interior demolition was issued in April 2015. The house was gutted, windows and other materials removed, leaving it a shell. There were numerous complaints from property owners, the Police Department, and the School Department about the condition of the building, who all asked for it to be secured. However, there were very limited results in securing the building, and the building remained that way for about a year. In July 2016, a demolition permit was issued to raze the building, and it has been torn down, as has the two-car garage on the site. There were significant problems from when he bought the property to the time the building was torn down, approximately two years.

Mr. McGrail again suggested that the hearing be moved to October 19, 2016. Mr. Clifford again objected. He said he secured the dwelling every time he got a phone call, and disagreed with the characterization that it was a significant problem, saying there were no fires. He demolished the building once he got funding. Any delay would be difficult for him. Mr. McGrail understood, but he again said he was concerned about neighbors who want to be present. Mr. Steeves moved to continue the hearing to October 19, 2016, seconded by Mr. Jacobsen, and voted unanimously 5-0.

Applicant:	Christopher and Shaina Decker
Property Address:	106 Madison Street, Dedham, MA
Case #:	VAR-08-16-2126
Property Owner:	Christopher and Shaina Decker
Zoning District and Map/Lot	Single Residence B, Map 141, Lot 81
Application Date:	August 26, 2016
Present and Voting:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jared F. Nokes, J.D.
Representative:	<ul style="list-style-type: none">• Peter A. Zahka II, Esq., 12 School Street, Dedham, MA• Christopher and Shaina Decker, applicants
Legal Notice:	To be allowed such Special Permits and/or variances as required to construct a new second story bedroom addition over an existing single family residence that is 3.3 feet from the right property line instead of the required 10 feet.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Section 3.3.5 Nonconforming Single and Two Family Residential Structures, Section 4.3 Special Setback and Yard Exceptions, Section 4.3.1 Special Permit, Section 9.3 Special Permits, and Table 2</i>

Time: 8:18 to 8:22 p.m. The applicants live on a preexisting nonconforming lot in the Single Residence B zoning district. The two-bedroom house was built in 1928 and contains 928 square feet. The lot is 7,500 square feet instead of the required 12,500 square feet, and frontage is 50 feet instead of the required 5 feet. The side yard is currently 3.3 feet from the property line. They would like to construct a 750 foot two-story addition with two bed-

rooms over the existing structure for their growing family. The 3.3 foot setback would be maintained. The addition would be compatible with the neighborhood. A petition was presented that was signed by direct abutters:

Dorothy A. Folsom	103 Madison Street
Nancy Clegg	102 Madison Street
Joseph Sarto	114 Madison Street
Amelia A. Cusack	117 Madison Street

Because it is a single family dwelling, State law and the bylaw allow the Zoning Board of Appeals the authority to grant the Special Permit.

No one on the board or in the audience had any questions.

Mr. Steeves moved to approve such Special Permits and/or variances as required to construct a new second story bedroom addition over an existing single family residence that is 3.3 feet from the right property line instead of the required 10 feet, seconded by Mr. Jacobsen, and voted unanimously 5-0.

Review of Minutes

Mr. Steeves moved to approve the minutes of August 17, 2016, seconded by Mr. Jacobsen. The vote was unanimous.

Mr. Steeves moved to adjourn, seconded by Mr. Jacobsen, and voted unanimously 5-0. The meeting ended at 8:30 p.m.

Respectfully submitted,



Susan Webster
Administrative Assistant
Zoning Board of Appeals

/snw